

AGNIFILO INTRATER

August 27, 2025

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square, Courtroom 443
New York, NY 10007

**Re: *United States v. Alon Alexander, Oren Alexander & Tal Alexander,*
24 Cr. 676 (VEC)**

Dear Judge Caproni:

We write to seek an extension for defense expert disclosures, currently scheduled for August 29, 2025, to a date approximately two weeks after the government finishes producing Rule 16 material and discloses its Jencks Act material. The government objects to this request.

First, the parties have met and conferred regarding a schedule for a number of issues we expect to arise prior to trial: FRE 404(b) notice, FRE 413 and 414 disclosures; Jencks Act disclosure; a Rule 16 deadline for the government; FRE 412 notice; requests to charge; witness and exhibit lists; and the defense's Rule 26.2 material disclosure. At this time, we have not come to an agreement, but we expect to present our proposals to the Court in the coming days.

Second, the government is still in the process of producing substantial discovery and has reiterated to the defense that their investigation is continuing. This discovery includes 5.6 TB in material that the government is producing this week. The government also has advised counsel that they are in possession of warrant returns from four additional devices and they do not have any estimated date as to when they will produce the warrant returns from these devices. In essence, the defense is in an untenable situation of having to disclose and notice expert witnesses when we have not received several *terabytes* of discovery.

When the Court set the defense's expert deadline of August 29, 2025, no one expected that so much discovery would still be outstanding four months before trial. Because of these disclosure issues, the defense would be prejudiced by having to notice experts when, to date, the government has: (1) redacted any references to any of the named victims in discovery (contrary to requirements under Rule 16 and with no basis in the Protective Order); (2) still has more than 5 TB of discovery to produce and cannot give counsel a timeline as to when the remaining discovery will be produced; and (3) are continuing their investigation.

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The government has noticed several experts, and at least two will possibly be subject to *Daubert* motions: (1) a purported expert on rape trauma syndrome, who the government wants to opine on supposed behaviors exhibited by certain people after alleged victimization; and (2) a purported toxicology expert to opine on several different drugs (evidence of which has not yet been produced in discovery). Without an understanding of the alleged victims' claims or the evidence underscoring their counts (or even their names), without discovery on these specific issues and without a massive amount of discovery over which we will be defending a case, the defendants would be prejudiced severely if they have to notice experts on the current schedule.

Accordingly, we request that the Court adjourn the date of the defense's expert disclosures until the government finishes producing Rule 16 material and discloses its Jencks Act material. Thank you for your consideration.

Respectfully submitted,



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